Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 178
Bill #: HB 205
Document ID #: 210
Bill Subject/Title: AN ACT relating to leave from employment.
Sponsor: Representative Rachel Roberts
Unit of Government: X City X County X Urban-County Unified Local
<u>X</u> Charter County <u>X</u> Consolidated Local <u>X</u> Government
Office(s) Impacted: all with employees
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 205 would amend KRS 337.415 to prohibit an employer from taking adverse employment action against an employee who is a victim of a crime because the employee takes leave from work to attend court or other proceedings associated with the prosecution of the crime. The bill defines crime "victim" to include immediate family of a minor or incompetent victim, and the immediate family of a homicide victim.

The bill would require that an employee give reasonable prior notice to an employer by providing a copy of the notice from the court or agency scheduling a hearing, conference or meeting.

The employer may require an employee to use accrued leave time. An employer would be required to maintain confidentiality of any verbal or written communication from an employee relative to the employee's request for leave under KRS 337.415.

An employer's violation by knowingly and willfully taking adverse action against an employee for taking leave under the bill, or knowingly and willfully failing to maintain confidentiality, could result in a civil penalty of \$100-\$1,000.

The impact of HB 205 on local government employers, in general, should be minimal. It is not expected that many local government employers would knowingly and willfully violate HB 205 and so incur a civil penalty. The fiscal impact otherwise depends on the nature and duration of court or other proceedings associated with prosecution of the crime, and the amount of accrued leave time the employee has. A state district court prosecution of a pickpocket might be disposed in one or two, probably brief, appearances by a victim; a capital murder prosecution could entail innumerable court and out of court meetings and appearances, as well as an extended trial. An employer could incur additional costs if an employer must hire a temporary replacement for the employee, or must pay for overtime earned by co-workers covering the duties of the employee on crime victim's leave. Most research and anecdotal evidence indicates that local government employers do not typically hire temporary workers when employees are on leave, but rather assign their work to other employees or otherwise "make do" while temporarily less than fully staffed.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II applies to BR 178 as submitted. There is no earlier version.

Data Source(s): <u>Kentucky League of Cities; LRC Staff</u>

Preparer: Mary Stephens (wfb) **Reviewer:** KHC **Date:** 1/10/22